

Exhibit B

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16
17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 IN RE NEW CENTURY

20 Case No. 2:07-cv-00931-DDP (FMOx)
(Lead Case)

21 CONSOLIDATED CLASS ACTION

22 **PLAINTIFFS' RESPONSES AND
23 OBJECTIONS TO DEFENDANT
24 KPMG LLP'S FIRST SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

25 Judge: Hon. Dean D. Pregerson

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28 PLAINTIFFS' RESPONSES AND OBJECTIONS
TO KPMG FIRST REQUEST FOR PRODUCTION
Case No. 2:07-cv-00931-DDP (FMOx)

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Lead Plaintiff New
 2 York State Teachers' Retirement System and plaintiffs Carl Larson and Charles
 3 Hooten (collectively, "Plaintiffs") hereby respond and object to Defendant KPMG
 4 LLP's First Set Of Requests For Production Of Documents To Plaintiffs New York
 5 State Teachers' Retirement System, Carl Larson and Charles Hooten (the
 6 "Requests").

7 Plaintiffs respond to the Requests pursuant and subject to the accompanying
 8 General and Specific Objections, without waiving, and expressly preserving, all
 9 such objections and the right to raise any other objection not expressly set forth
 10 herein. The General Objections are incorporated into each response below as
 11 though set forth fully therein. Plaintiffs also submit these Responses and
 12 Objections subject to, without intending to waive, and expressly preserving: (a) the
 13 right to object to other discovery requests involving or relating to the subject
 14 matter of the Requests; and (b) the right at any time to revise, correct, supplement,
 15 or clarify any of the responses herein. Further, an objection to any request does not
 16 indicate that any documents responsive to the request in fact exist.

17 **GENERAL OBJECTIONS**

18 1. Plaintiffs object to the Requests, including the Definitions, to the
 19 extent they are duplicative and cumulative of document requests made by other
 20 Defendants, are propounded for the purpose of harassing Plaintiffs, and impose
 21 undue burden on Plaintiffs.

22 2. Plaintiffs object to the Requests, including the Definitions, to the
 23 extent they seek to impose obligations beyond those imposed by the Federal Rules
 24 of Civil Procedure ("Federal Rules"), the Local Civil Rules for the Central District
 25 of California ("Local Rules") and the Orders of the Court in this proceeding.

26 3. Plaintiffs object to the Requests, including the Definitions, to the
 27 extent they seek disclosure of information or documents which are protected by

1 their rights of privacy or request disclosure of private, confidential information,
2 including financial information.

3 4. Plaintiffs object to the Requests, including the Definitions, to the
4 extent that they are vague and ambiguous, or require Plaintiffs to speculate as to
5 the nature or scope of the documents sought thereby.

6 5. Plaintiffs object to the Requests, including the Definitions, to the
7 extent that they seek information that is neither relevant to the claims or defenses
8 in this litigation, nor reasonably calculated to lead to the discovery of admissible
9 evidence.

10 6. Plaintiffs object to the Requests, including the Definitions, to the
11 extent that they are overbroad, unduly burdensome, or otherwise constitute an
12 abuse of discovery.

13 7. Plaintiffs object to the Requests, including the Definitions, to the
14 extent that they purport to require Plaintiffs to assume an unreasonable burden or
15 expense. Plaintiffs will limit their responses to those documents which can be
16 located, identified and produced after a reasonable inquiry without undue burden
17 or expense.

18 8. Plaintiffs object to the Requests, including the Definitions, to the
19 extent that they seek documents or information protected by the attorney-client
20 privilege, the attorney work product doctrine, or are otherwise protected or
21 privileged.

22 9. Plaintiffs object to the Requests, including the Definitions, to the
23 extent that they seek the production of documents not in Plaintiffs' possession,
24 custody, or control. Among other things, Plaintiffs object to the Requests,
25 including the Definitions, to the extent that they call for production of documents
26 from the files of Plaintiffs' counsel (other than the Plaintiffs' documents).

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1 10. Plaintiffs object to the Requests, including the Definitions, to the
 2 extent that they seek information prematurely, including but not limited to,
 3 information which is subject to expert discovery.

4 11. Plaintiffs object to the Requests, including the Definitions, as being
 5 premature at this stage of the litigation to the extent that they call for the disclosure
 6 of documents concerning Plaintiffs' factual and legal contentions in this action,
 7 when discovery is ongoing and the record has not yet been fully developed.

8 12. Plaintiffs reserve all objections as to the competence, relevance,
 9 materiality, privilege, or admissibility of evidence in any subsequent proceeding or
 10 trial of this or any other action for any purpose whatsoever, and reserve the right to
 11 supplement responses prior to trial.

12 13. The failure to object on a particular ground or grounds shall not be
 13 construed as a waiver of Plaintiffs' right to object on any additional grounds.

14 **OBJECTIONS TO DEFINITIONS**

15 1. Plaintiffs object to Definition No. 1 of "YOU" and "YOUR" as overly
 16 broad and unduly burdensome to the extent it seeks to impose obligations beyond
 17 those required by the Federal Rules and/or Local Rules by including persons or
 18 entities other than the Plaintiffs, including but not limited to Plaintiffs'
 19 "consultants, advisors, agents and attorneys." Lead Plaintiffs further object to this
 20 definition insofar as it seeks information beyond the control of Lead Plaintiff's
 21 board of directors, officers, and employees. Plaintiffs object to the definition
 22 insofar as it seeks information that is protected from disclosure by the attorney-
 23 client privilege, the attorney work product doctrine, or any other applicable
 24 privilege or protection.

25 2. Plaintiffs object to Definition No. 9 of "NEW SECURITY" as
 26 compound, incomprehensible, burdensome and harassing to the extent the
 27 definition purports to include securities not at issue in the Second Amended
 28

1 Consolidated Class Action Complaint ("Complaint"), including, but not limited to,
 2 "asset-backed securities, including but not limited to mortgage-backed securities."

3 **SPECIFIC OBJECTIONS AND RESPONSES**

4 **REQUEST FOR PRODUCTION NO. 1:**

5 All DOCUMENTS, including but not limited to, all records, confirmations,
 6 orders, account statements, and instructions to or from brokers, agents, advisors or
 7 managers, from January 1, 2005 to April 27, 2007 that refer or relate to YOUR
 8 investment in NEW SECURITY.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

10 Plaintiffs incorporate their General Objections and Objections to Definitions
 11 by reference. Plaintiffs object that the time period specified in the Request is
 12 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 13 discovery of admissible evidence. Plaintiffs further object to this Request to the
 14 extent it is duplicative of document requests made by other Defendants, was
 15 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden
 16 on Plaintiffs.

17 Subject to and without waiving the foregoing general and specific
 18 objections, Plaintiffs will produce non-privileged documents in their possession,
 19 custody or control that are sufficient to evidence Plaintiffs' May 5, 2005 to March
 20 13, 2007 transactions in NEW SECURITY.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 All COMMUNICATIONS from January 1, 2005 to April 27, 2007 that refer
 23 or relate to YOUR investment in NEW SECURITY.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions
 26 by reference. Plaintiffs object that the time period specified in the Request is
 27 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 28 discovery of admissible evidence. Plaintiffs object to this Request on the grounds

1 that it is vague and ambiguous. Plaintiffs further object to this Request to the
 2 extent it is duplicative of document requests made by other Defendants, was
 3 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden
 4 on Plaintiffs.

5 Subject to and without waiving the foregoing general and specific
 6 objections, Plaintiffs will produce relevant non-privileged communications, if any,
 7 in their possession, custody or control concerning Plaintiffs' May 5, 2005 to March
 8 13, 2007 transactions in NEW SECURITY.

9 **REQUEST FOR PRODUCTION NO. 3:**

10 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or
 11 relate to YOUR decision to invest in NEW SECURITY, including but not limited
 12 to, DOCUMENTS YOU reviewed, received, and/or upon which YOU relied.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions
 15 by reference. Plaintiffs object that the time period specified in the Request is
 16 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 17 discovery of admissible evidence. Plaintiffs also object to the use of the term
 18 "relied" to the extent that it calls for a legal conclusion. Plaintiffs further object to
 19 this Request to the extent it is duplicative of document requests made by other
 20 Defendants, was propounded for the purpose of harassing Plaintiffs, and imposes
 21 cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific
 23 objections, Plaintiffs will produce relevant non-privileged documents, if any, in
 24 their possession, custody or control responsive to this Request from May 5, 2005 to
 25 March 13, 2007.

26 **REQUEST FOR PRODUCTION NO. 4:**

27 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or
 28 relate to any news article or press release YOU reviewed in connection with

1 YOUR decision to invest in NEW SECURITY.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

3 Plaintiffs incorporate their General Objections and Objections to Definitions
 4 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 5 and not reasonably calculated to lead to the discovery of admissible evidence.
 6 Plaintiffs further object to this Request to the extent it is duplicative of document
 7 requests made by other Defendants, was propounded for the purpose of harassing
 8 Plaintiffs, and imposes cumulative burden on Plaintiffs.

9 Subject to and without waiving the foregoing general and specific
 10 objections, Plaintiffs will produce relevant non-privileged documents, if any, in
 11 their possession, custody or control responsive to this Request from May 5, 2005 to
 12 March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 5:**

14 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or
 15 relate to any research or due diligence performed by, or on behalf of, YOU
 16 concerning NEW in connection with YOUR investment in NEW SECURITY.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

18 Plaintiffs incorporate their General Objections and Objections to Definitions
 19 by reference. Plaintiffs object that the time period specified in the Request is
 20 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 21 discovery of admissible evidence. Plaintiffs object to this Request on the grounds
 22 that it is vague and ambiguous, including the term "due diligence." Plaintiffs
 23 further object to this Request to the extent it is duplicative of document requests
 24 made by other Defendants, was propounded for the purpose of harassing Plaintiffs,
 25 and imposes cumulative burden on Plaintiffs.

26 Subject to and without waiving the foregoing general and specific
 27 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
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1 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 2 to this Request.

3 **REQUEST FOR PRODUCTION NO. 6:**

4 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 5 any analysis, evaluation, summary, and/or report regarding the value of NEW
 6 SECURITY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions
 9 by reference. Plaintiffs object that the time period specified in the Request is
 10 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 11 discovery of admissible evidence. Plaintiffs object to this Request on the grounds
 12 that it is vague and ambiguous, including the terms "analysis," "evaluation,"
 13 "summary," and "report." Plaintiffs object to this Request as burdensome to the
 14 extent it seeks the production of documents that are publicly available. Plaintiffs
 15 object to this Request as burdensome to the extent it calls for documents not within
 16 Plaintiffs' possession, custody or control. Plaintiffs object to this Request to the
 17 extent it seeks documents protected from disclosure by the attorney-client
 18 privilege, work product doctrine or any other applicable privilege or protection.
 19 Plaintiffs further object to this Request to the extent it is duplicative of document
 20 requests made by other Defendants, was propounded for the purpose of harassing
 21 Plaintiffs, and imposes cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific
 23 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
 24 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 25 to this Request.

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1 **REQUEST FOR PRODUCTION NO. 7:**

2 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 3 any analysis, evaluation, summary, or report regarding NEW's financial
 4 performance.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

6 Plaintiffs incorporate their General Objections and Objections to Definitions
 7 by reference. Plaintiffs object to the time period specified in the Request as
 8 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 9 discovery of admissible evidence. Plaintiffs also object to this Request on the
 10 grounds that it is vague and ambiguous. Plaintiffs object to this Request as
 11 burdensome to the extent it seeks the production of documents that are publicly
 12 available. Plaintiffs object to this Request as burdensome to the extent it seeks the
 13 production of documents that are publicly available or not within Plaintiffs'
 14 possession, custody or control. Plaintiffs object to this Request to the extent it
 15 seeks documents protected from disclosure by the attorney-client privilege, work
 16 product doctrine or any other applicable privilege or protection. Plaintiffs further
 17 object to this Request to the extent it is duplicative of document requests made by
 18 other Defendants, was propounded for the purpose of harassing Plaintiffs, and
 19 imposes cumulative burden on Plaintiffs.

20 Subject to and without waiving the foregoing general and specific
 21 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
 22 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 23 to this Request.

24 **REQUEST FOR PRODUCTION NO. 8:**

25 All DOCUMENTS from January 1, 2005 to the present sufficient to show
 26 YOUR gains or losses in connection with YOUR investment in NEW SECURITY.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
3 by reference. Plaintiffs object to the time period specified in this Request as
4 overbroad, unduly burdensome, and not reasonably calculated to lead to the
5 discovery of admissible evidence. Plaintiffs object to this Request on the grounds
6 that it is vague and ambiguous. Plaintiffs further object to this Request to the
7 extent it is duplicative of document requests made by other Defendants, was
8 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden
9 on Plaintiffs.

10 Subject to and without waiving the foregoing general and specific
11 objections, Plaintiffs will produce non-privileged documents from May 5, 2005 to
12 March 13, 2007 in their possession, custody or control responsive to this Request
13 sufficient to show Plaintiffs' losses in connection with Plaintiffs' investment in
14 NEW SECURITY.

15 **REQUEST FOR PRODUCTION NO. 9:**

16 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or
17 relate to any earnings call concerning NEW.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

19 Plaintiffs incorporate their General Objections and Objections to Definitions
20 by reference. Plaintiffs object to the time period specified in this Request as
21 overbroad, unduly burdensome, and not reasonably calculated to lead to the
22 discovery of admissible evidence. Plaintiffs object to this Request on the grounds
23 that it is vague and ambiguous. Plaintiffs object to this Request as burdensome to
24 the extent it seeks the production of documents that are publicly available or not
25 within Plaintiffs' possession, custody or control. Plaintiffs object to this Request
26 to the extent it seeks documents protected from disclosure by the attorney-client
27 privilege, work product doctrine or any other applicable privilege or protection.
28 Plaintiffs further object to this Request to the extent it is duplicative of document

1 requests made by other Defendants, was propounded for the purpose of harassing
2 Plaintiffs, and imposes cumulative burden on Plaintiffs.

3 Subject to and without waiving the foregoing general and specific
4 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
5 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
6 to this Request.

7 **REQUEST FOR PRODUCTION NO. 10:**

8 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or
9 relate to any analyst call concerning NEW.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 Plaintiffs incorporate their General Objections and Objections to Definitions
12 by reference. Plaintiffs also object to the time period specified in this Request as
13 overbroad, unduly burdensome, and not reasonably calculated to lead to the
14 discovery of admissible evidence. Plaintiffs also object to this Request on the
15 grounds that it is vague and ambiguous. Plaintiffs also object to this Request as
16 burdensome to the extent it seeks the production of documents that are publicly
17 available or not within Plaintiffs' possession, custody or control. Plaintiffs object
18 to this Request to the extent it seeks documents protected from disclosure by the
19 attorney-client privilege, work product doctrine or any other applicable privilege or
20 protection. Plaintiffs further object to this Request to the extent it is duplicative of
21 document requests made by other Defendants, was propounded for the purpose of
22 harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.

23 Subject to and without waiving the foregoing general and specific
24 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
25 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
26 to this Request.

REQUEST FOR PRODUCTION NO. 11:

All minutes of NYSTRS' Board of Trustees meetings from January 1, 2005 to the present, including any and all DOCUMENTS that were provided to NYSTRS' Board of Trustees in connection with such meetings and/or memorialize all or part of a Board of Trustees meeting.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request to the extent it seeks disclosure of private or confidential information and documents. Plaintiffs object to this Request as burdensome and harassing to the extent that it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation.

Subject to and without waiving any of the general and specific objections, Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, from May 5, 2005 to March 13, 2007 in their possession, custody or control that concern Plaintiffs' investment in New Century securities.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS from January 1, 2006 to April 27, 2007 that refer or relate to David Loglisci's participation on NYSTRS' Board of Trustees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to the Request as irrelevant, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request to the extent it seeks disclosure of private or confidential information and documents. Plaintiffs object to this Request as burdensome to the extent it calls for documents not within Plaintiffs'

1 possession, custody or control. Lead Plaintiff NYSTRS further objects to this
 2 Request on the grounds that the Request seeks irrelevant information and was
 3 propounded to harass, annoy, and embarrass Lead Plaintiff.

4 **REQUEST FOR PRODUCTION NO. 13:**

5 All DOCUMENTS that concern or constitute COMMUNICATIONS with
 6 the Securities and Exchange Commission and/or the New York Attorney General's
 7 office referring or relating to David Loglisci.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions
 10 by reference. Plaintiffs object to this Request to the extent it seeks disclosure of
 11 private or confidential information and documents. Plaintiffs object to this
 12 Request as burdensome to the extent it calls for documents not within Plaintiffs'
 13 possession, custody or control. Lead Plaintiff NYSTRS further objects to this
 14 Request on the grounds that the Request seeks irrelevant information and was
 15 propounded to harass, annoy and embarrass Lead Plaintiff. Subject to and without
 16 waving any of the general and specific objections, Lead Plaintiff NYSTRS has no
 17 responsive documents.

18 **REQUEST FOR PRODUCTION NO. 14:**

19 All DOCUMENTS that refer or relate to any actual or potential
 20 investigation, regulatory and/or government action relating to David Loglisci.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

22 Plaintiffs incorporate their General Objections and Objections to Definitions
 23 by reference. Plaintiffs object to this Request on the grounds that it is vague and
 24 ambiguous. Plaintiffs object to this Request to the extent it seeks disclosure of
 25 private or confidential information and documents. Plaintiffs object to this
 26 Request as burdensome to the extent it calls for documents not within Plaintiffs'
 27 possession, custody or control. Lead Plaintiff NYSTRS further objects to this
 28 Request on the grounds that the Request seeks irrelevant information and was

1 propounded to harass, annoy and embarrass Lead Plaintiff. Subject to and without
 2 waving any of the general and specific objections, Lead Plaintiff NYSTRS has no
 3 responsive documents.

4 **REQUEST FOR PRODUCTION NO. 15:**

5 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 6 from January 1, 2005 to April 27, 2007 that refer or relate to NEW's REIT status
 7 and/or classification as a REIT.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions
 10 by reference. Plaintiffs also object to the time period specified in this Request as
 11 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 12 discovery of admissible evidence. Plaintiffs object to this Request on the grounds
 13 that it is vague and ambiguous. Plaintiffs object to this Request as burdensome to
 14 the extent it seeks the production of documents that are publicly available.

15 Subject to and without waiving the foregoing general and specific
 16 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
 17 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 18 to this Request.

19 **REQUEST FOR PRODUCTION NO. 16:**

20 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 21 from January 1, 2005 to April 27, 2007 that refer or relate to any dividend YOU
 22 received from NEW, including but not limited to, DOCUMENTS sufficient to
 23 show the dollar amount of any dividend and/or dividends YOU received from
 24 NEW.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

26 Plaintiffs incorporate their General Objections and Objections to Definitions
 27 by reference. Plaintiffs object to the time period specified in this Request as
 28 overbroad, unduly burdensome, and not reasonably calculated to lead to the

1 discovery of admissible evidence. Plaintiffs further object to this Request to the
 2 extent it is duplicative of document requests made by other Defendants, was
 3 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden
 4 on Plaintiffs.

5 Subject to and without waiving the foregoing general and specific
 6 objections, Plaintiffs will produce non-privileged documents in their possession,
 7 custody or control sufficient to evidence all dividends received by Plaintiffs from
 8 New Century during the period May 5, 2005 to March 13, 2007.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 All DOCUMENTS from January 1, 2005 to the present sufficient to show
 11 any income YOU received from or were paid in connection with any NEW
 12 SECURITY.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions
 15 by reference. Plaintiffs object to the time period specified in this Request as
 16 overbroad, unduly burdensome, and not reasonably calculated to lead to the
 17 discovery of admissible evidence. Plaintiffs further object to this Request to the
 18 extent it is duplicative of document requests made by other Defendants, was
 19 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden
 20 on Plaintiffs.

21 Subject to and without waiving the foregoing general and specific
 22 objections, Plaintiffs will produce non-privileged documents in their possession,
 23 custody or control sufficient to evidence all income Plaintiffs received or were paid
 24 from NEW SECURITY during the period May 5, 2005 to March 13, 2007.

25 **REQUEST FOR PRODUCTION NO. 18:**

26 All DOCUMENTS from January 1, 2005 to April 27, 2007 setting forth or
 27 delineating the duties and responsibilities of any investment manager, investment
 28 firm, advisor, consultant, broker or brokerage retained by, or on behalf of, YOU in

1 connection with YOUR investment in NEW SECURITY.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

3 Plaintiffs incorporate their General Objections and Objections to Definitions
 4 by reference. Plaintiffs object to the time period specified in this Request as
 5 overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to
 6 the discovery of admissible evidence. Plaintiffs object to this Request on the
 7 grounds that it is compound and incomprehensible. Plaintiffs object to this
 8 Request on the grounds that it is vague and ambiguous.

9 Subject to and without waiving the foregoing general and specific
 10 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
 11 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 12 to this Request.

13 **REQUEST FOR PRODUCTION NO. 19:**

14 All DOCUMENTS from January 1, 2005 to the present created by or
 15 received from, either directly or indirectly, and/or all COMMUNICATIONS with,
 16 any investment manager, investment firm, advisor, consultant, broker or brokerage
 17 concerning NEW.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

19 Plaintiffs incorporate their General Objections and Objections to Definitions
 20 by reference. Plaintiffs object to the time period specified in this Request as
 21 overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to
 22 the discovery of admissible evidence. Plaintiffs object to this Request as
 23 burdensome to the extent it calls for documents not within Plaintiffs' possession,
 24 custody or control. Plaintiffs further object to this Request to the extent it is
 25 duplicative of document requests made by other Defendants, was propounded for
 26 the purpose of harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.
 27 Plaintiffs further object to this Request on the grounds that it is vague and
 28 ambiguous.

1 Subject to and without waiving the foregoing general and specific
 2 objections, Plaintiffs will produce relevant non-privileged documents, if any, from
 3 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive
 4 to this Request.

5 **REQUEST FOR PRODUCTION NO. 20:**

6 All DOCUMENTS that refer or relate to YOUR proposed or actual
 7 guidelines, policies, procedures, practices, rules, goals, plans, strategies or criteria
 8 relating to domestic equity investments, common stock, diversification, preferred
 9 stock, REITs and/or dividends, including but not limited to, DOCUMENTS that
 10 refer or relate to YOUR trading policy, investment policy, risk tolerance, and/or
 11 investment objectives.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions
 14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 15 irrelevant and not reasonably calculated to lead to the discovery of admissible
 16 evidence to the extent it fails to specify a time period. Plaintiffs further object to
 17 this Request to the extent it seeks disclosure of private or confidential information
 18 and documents. Plaintiffs object to this Request on the grounds that it is vague and
 19 ambiguous. Plaintiffs further object to this Request to the extent it is duplicative of
 20 document requests made by other Defendants, was propounded for the purpose of
 21 harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific
 23 objections, Plaintiffs will produce relevant non-privileged documents, if any,
 24 responsive to this Request in their possession, custody or control from May 5, 2005
 25 to March 13, 2007.

26 **REQUEST FOR PRODUCTION NO. 21:**

27 All DOCUMENTS that refer or relate to any policy, practice, procedure
 28 and/or strategy relating to the following investment vehicles described in the

1 "Notes to Financial Statements" section of YOUR annual financial report for the
2 fiscal years ended June 30, 2006 and June 30, 2007: (1) "Mortgage pass-through
3 certificates, provided the certificates evidence ownership of undivided interests in
4 pools or mortgage loans secured by first mortgages on real property located in New
5 York improved by one-to-four family residential dwellings, and, provided further,
6 that (i) such mortgage loans are originated on or after January 1, 1980, by any
7 bank, trust company, national banking association, savings bank, federal mutual
8 savings bank, savings and loan association, federal savings and loan association,
9 credit union, or federal credit union authorized to do business in New York State or
10 by any lender approved by the Secretary of Housing and Urban Development for
11 participation in any mortgage insurance program under the National Housing Act,
12 (ii) such mortgage loans are assigned to a bank, trust company, federal mutual
13 savings bank or federal savings and loan association as trustee for the benefit of
14 holders of such certificates, and (iii) such certificates are rated within the three
15 highest grades by an independent rating service designated by the banking board.
16 The aggregate unpaid principal on conventional mortgages securing mortgage
17 pass-through certificates cannot exceed 10% of the assets of the System nor can the
18 total unpaid principal on any single pool of conventional mortgages securing
19 mortgage pass-through certificates exceed 1% of the assets of the System;" and (2)
20 "Collateralized Mortgage Obligations, which meet the requirements of applicable
21 statutes."

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions
24 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly
25 burdensome, and not reasonably calculated to lead to the discovery of admissible
26 evidence. Plaintiffs object to this Request on the grounds that it is compound and
27 incomprehensible. Plaintiffs object to this Request to the extent it seeks disclosure
28 of private or confidential information and documents. Plaintiffs object to this

1 Request as burdensome and harassing to the extent that it seeks documents and
 2 information that are not relevant to the claims or defenses of any party in this
 3 litigation.

4 Subject to and without waiving any of the general and specific objections,
 5 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any,
 6 responsive to this Request in their possession, custody or control from May 5, 2005
 7 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 22:**

9 All DOCUMENTS that refer or relate to YOUR investment strategy and/or
 10 policy relating to investments made pursuant to the "Leeway Clause" of Section
 11 177, as quoted in the "Deposit and Investment Risk Disclosure" section of YOUR
 12 annual financial report for the fiscal year ended June 30, 2006.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions
 15 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 16 irrelevant and not reasonably calculated to lead to the discovery of admissible
 17 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of
 18 private or confidential information and documents. Plaintiffs object to this
 19 Request on the grounds that it is vague and ambiguous. Plaintiffs object to this
 20 Request as burdensome and harassing to the extent that it seeks documents and
 21 information that are not relevant to the claims or defenses of any party in this
 22 litigation.

23 Subject to and without waiving any of the general and specific objections,
 24 Lead Plaintiff NYSTRS did not make any investments in New Century securities
 25 pursuant to the "Leeway Clause" referred to in this Request.

26 **REQUEST FOR PRODUCTION NO. 23:**

27 All DOCUMENTS that refer or relate to YOUR investment strategy and/or
 28 policy relating to investments made pursuant to the "Leeway Clause" of Section

1 177, as quoted in the "Deposit and Investment Risk Disclosure" section of YOUR
 2 annual financial report for the fiscal year ended June 30, 2007.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions
 5 by reference. Plaintiffs object to this Request as is overbroad, unduly burdensome,
 6 irrelevant and not reasonably calculated to lead to the discovery of admissible
 7 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of
 8 private or confidential information and documents. Plaintiffs object to this
 9 Request on the grounds that it is vague and ambiguous. Plaintiffs object to this
 10 Request as burdensome and harassing to the extent that it seeks documents and
 11 information that are not relevant to the claims or defenses of any party in this
 12 litigation.

13 Subject to and without waiving any of the general and specific objections,
 14 Lead Plaintiff NYSTRS did not make any investments in New Century securities
 15 pursuant to the "Leeway Clause" referred to in the Request.

16 **REQUEST FOR PRODUCTION NO. 24:**

17 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 18 YOUR investment(s) in NEW SECURITY that were made pursuant to the
 19 "Leeway Clause" of Section 177, as quoted in the "Deposit and Investment Risk
 20 Disclosure" section of YOUR annual financial report for the fiscal year ended June
 21 30, 2006.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions
 24 by reference. Plaintiffs object to the time period specified in this Request on the
 25 grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably
 26 calculated to lead to the discovery of admissible evidence.

1 Subject to and without waiving any of the general and specific objections,
 2 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY
 3 pursuant to the "Leeway Clause" referred to in the Request.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 6 YOUR investment(s) in NEW SECURITY that were made pursuant to the
 7 "Leeway Clause" of Section 177, as quoted in the "Deposit and Investment Risk
 8 Disclosure" section of YOUR annual financial report for the fiscal year ended June
 9 30, 2007.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

11 Plaintiffs incorporate their General Objections and Objections to Definitions
 12 by reference. Plaintiffs object to the time period specified in this Request on the
 13 grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably
 14 calculated to lead to the discovery of admissible evidence.

15 Subject to and without waiving any of the general and specific objections,
 16 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY
 17 pursuant to the "Leeway Clause" referred to in the Request.

18 **REQUEST FOR PRODUCTION NO. 26:**

19 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 20 mortgage investments that were acquired under the Leeway Clause, as discussed in
 21 the "Real Estate and Mortgages" section of the "Notes to Financial Statements" in
 22 YOUR annual financial report for the fiscal years ended June 30, 2006 and June
 23 30, 2007.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions
 26 by reference. Plaintiffs object to this Request on the grounds that it is overbroad,
 27 unduly burdensome, irrelevant and not reasonably calculated to lead to the
 28 discovery of admissible evidence. Plaintiffs further object to this Request to the

1 extent it seeks disclosure of private or confidential information and documents.
 2 Plaintiffs also object to this Request on the grounds that it is vague and ambiguous.
 3 Plaintiffs object to this Request as burdensome and harassing to the extent that it
 4 seeks documents and information that are not relevant to the claims or defenses of
 5 any party in this litigation.

6 Subject to and without waiving any of the general and specific objections,
 7 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY
 8 pursuant to the "Leeway Clause" referred to in the Request.

9 **REQUEST FOR PRODUCTION NO. 27:**

10 All DOCUMENTS from January 1, 2005 to the present created by or
 11 received from, either directly or indirectly, and/or all COMMUNICATIONS with,
 12 NYSTRS' Investment Advisory Committee.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions
 15 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly
 16 burdensome, and not reasonably calculated to lead to the discovery of admissible
 17 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of
 18 private or confidential information and documents. Plaintiffs object to this
 19 Request as burdensome and harassing to the extent it seeks documents and
 20 information that are not relevant to the claims or defenses of any party.

21 Subject to and without waiving any of the general and specific objections,
 22 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 23 their possession, custody or control from May 5, 2005 to March 13, 2007
 24 responsive to this Request.

25 **REQUEST FOR PRODUCTION NO. 28:**

26 All DOCUMENTS, including but not limited to, notes, minutes, and/or
 27 agendas, from January 1, 2005 to the present that refer or relate to any meeting of
 28 the NYSTRS' Investment Advisory Committee, including any and all

1 DOCUMENTS that were provided to the Investment Advisory Committee in
 2 advance of or at such meetings.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions
 5 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly
 6 burdensome and not reasonably calculated to lead to the discovery of admissible
 7 evidence. Plaintiffs further object to this Request as burdensome to the extent it
 8 calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs
 9 object to this Request as burdensome and harassing to the extent it seeks
 10 documents and information that are not relevant to the claims or defenses of any
 11 party.

12 Subject to and without waiving any of the general and specific objections,
 13 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 14 their possession, custody or control from May 5, 2005 to March 13, 2007
 15 responsive to this Request.

16 **REQUEST FOR PRODUCTION NO. 29:**

17 All DOCUMENTS from January 1, 2005 to the present created by or
 18 received from, either directly or indirectly, and/or all COMMUNICATIONS with,
 19 NYSTRS' Real Estate Advisory Committee.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

21 Plaintiffs incorporate their General Objections and Objections to Definitions
 22 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly
 23 burdensome and not reasonably calculated to lead to the discovery of admissible
 24 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of
 25 private or confidential information and documents. Plaintiffs object to this
 26 Request as burdensome and harassing to the extent that it seeks documents and
 27 information that are not relevant to the claims or defenses of any party in this
 28 litigation.

1 Subject to and without waiving any of the general and specific objections,
 2 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 3 their possession, custody or control from May 5, 2005 to March 13, 2007
 4 responsive to this Request.

5 **REQUEST FOR PRODUCTION NO. 30:**

6 All DOCUMENTS, including but not limited to, notes, minutes, and/or
 7 agendas, from January 1, 2005 to the present that refer or relate to any meeting of
 8 the NYSTRS' Real Estate Advisory Committee, including any and all
 9 DOCUMENTS that were provided to the Real Estate Advisory Committee in
 10 advance of or at such meetings.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions
 13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome
 14 and not reasonably calculated to lead to the discovery of admissible evidence.
 15 Plaintiffs object to this Request to the extent it seeks disclosure of private or
 16 confidential information and documents. Plaintiffs object to this Request as
 17 burdensome to the extent it calls for documents not within Plaintiffs' possession,
 18 custody or control. Plaintiffs object to this Request as burdensome and harassing
 19 to the extent it seeks documents and information that are not relevant to the claims
 20 or defenses of any party.

21 Subject to and without waiving any of the general and specific objections,
 22 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 23 their possession, custody or control from May 5, 2005 to March 13, 2007
 24 responsive to this Request.

25 **REQUEST FOR PRODUCTION NO. 31:**

26 All DOCUMENTS from January 1, 2005 to the present created by or
 27 received from, either directly or indirectly, and/or all COMMUNICATIONS with,
 28 NYSTRS' REIT Real Estate Advisors, including but not limited to,

1 DOCUMENTS from and/or COMMUNICATIONS with Adelante Capital
 2 Management LLC, Cohen & Steers Capital Management, Inc. and/or RREEF
 3 America, LLC.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

5 Plaintiffs incorporate their General Objections and Objections to Definitions
 6 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome
 7 and not reasonably calculated to lead to the discovery of admissible evidence.
 8 Plaintiffs object to this Request as burdensome and harassing to the extent it seeks
 9 documents and information that are not relevant to the claims or defenses of any
 10 party.

11 Subject to and without waiving any of the general and specific objections,
 12 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 13 their possession, custody or control from May 5, 2005 to March 13, 2007
 14 responsive to this Request.

15 **REQUEST FOR PRODUCTION NO. 32:**

16 All DOCUMENTS, including but not limited to, notes, minutes, and/or
 17 agendas, from January 1, 2005 to the present that refer or relate to any meeting of
 18 NYSTRS' REIT Real Estate Advisors.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

20 Plaintiffs incorporate their General Objections and Objections to Definitions
 21 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome
 22 and not reasonably calculated to lead to the discovery of admissible evidence.
 23 Plaintiffs object to this Request as burdensome and harassing to the extent it seeks
 24 documents and information that are not relevant to the claims or defenses of any
 25 party.

26 Subject to and without waiving any of the general and specific objections,
 27 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in
 28

1 their possession, custody or control from May 5, 2005 to March 13, 2007
 2 responsive to this Request.

3 **REQUEST FOR PRODUCTION NO. 33:**

4 All COMMUNICATIONS from January 1, 2005 to April 27, 2007 with
 5 NEW, including but not limited to, COMMUNICATIONS with any current and/or
 6 former officer, director, employee and/or agent of NEW.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions
 9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 10 duplicative and not reasonably calculated to lead to the discovery of admissible
 11 evidence. Plaintiffs object to this Request to the extent it calls for documents not
 12 within Plaintiffs' possession, custody or control. Plaintiffs object to this Request
 13 to the extent it seeks production of documents protected from disclosure by the
 14 attorney-client privilege, work product doctrine, or any other applicable privilege
 15 or protection.

16 Subject to and without waiving any of the general and specific objections,
 17 Plaintiffs will produce relevant non-privileged documents, if any, in their
 18 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
 19 this Request.

20 **REQUEST FOR PRODUCTION NO. 34:**

21 All DOCUMENTS from January 1, 2005 to April 27, 2007 from NEW,
 22 including but not limited to, DOCUMENTS from any current and/or former
 23 officer, director, employee and/or agent of NEW.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions
 26 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 27 duplicative and not reasonably calculated to lead to the discovery of admissible
 28 evidence. Plaintiffs object to this Request as burdensome to the extent it calls for

1 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to
 2 this Request to the extent it seeks production of documents protected from
 3 disclosure by the attorney-client privilege, work product doctrine, or any other
 4 applicable privilege or protection.

5 Subject to and without waiving any of the general and specific objections,
 6 Plaintiffs will produce relevant non-privileged documents, if any, in their
 7 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
 8 this Request.

9 **REQUEST FOR PRODUCTION NO. 35:**

10 All COMMUNICATIONS from January 1, 2005 to the present with any
 11 current and/or former NEW shareholder concerning NEW.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions
 14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 15 and not reasonably calculated to lead to the discovery of admissible evidence.
 16 Plaintiffs object to this Request as burdensome to the extent it calls for documents
 17 not within Plaintiffs' possession, custody or control. Plaintiffs also object to this
 18 Request as vague, incomprehensible and overly burdensome to the extent it
 19 requires Plaintiffs to ascertain NEW shareholders. Plaintiffs further object to this
 20 Request on the grounds that it seeks documents protected from discovery by the
 21 attorney work product doctrine and/or attorney-client privilege.

22 Subject to and without waiving any of the general and specific objections,
 23 Plaintiffs will produce relevant non-privileged documents, if any, in their
 24 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
 25 this Request.

26 **REQUEST FOR PRODUCTION NO. 36:**

27 All DOCUMENTS from January 1, 2005 to the present from any current
 28 and/or former NEW shareholder concerning NEW.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 and not reasonably calculated to lead to the discovery of admissible evidence.
 5 Plaintiffs object to this Request as burdensome to the extent it calls for documents
 6 not within Plaintiffs' possession, custody or control. Plaintiffs also object to this
 7 Request as vague, incomprehensible and overly burdensome to the extent it
 8 requires Plaintiffs to ascertain NEW shareholders. Plaintiffs further object to this
 9 Request on the grounds that it seeks documents protected from discovery by the
 10 attorney work product doctrine and/or attorney-client privilege.

11 Subject to and without waiving any of the general and specific objections,
 12 Plaintiffs will produce relevant non-privileged documents, if any, in their
 13 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
 14 this Request.

15 **REQUEST FOR PRODUCTION NO. 37:**

16 All COMMUNICATIONS from January 1, 2005 to the present between or
 17 among YOU and any other Plaintiff and/or putative class member in this ACTION
 18 that refer or relate to NEW or to this ACTION.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

20 Plaintiffs incorporate their General Objections and Objections to Definitions
 21 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 22 and not reasonably calculated to lead to the discovery of admissible evidence, as to
 23 time period and scope. Plaintiffs object to this Request as vague,
 24 incomprehensible and overly burdensome to the extent it requires Plaintiffs to
 25 ascertain putative class members in this Action. Plaintiffs further object to this
 26 Request on the grounds that it seeks documents protected from discovery by the
 27 attorney work product doctrine and/or attorney-client privilege.

1 Subject to and without waiving any of the general and specific objections,
 2 Plaintiffs will produce relevant non-privileged documents, if any, in their
 3 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
 4 this Request.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All DOCUMENTS from January 1, 2005 to the present created by or
 7 received from, either directly or indirectly, any other Plaintiff and/or putative class
 8 member in this ACTION.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

10 Plaintiffs incorporate their General Objections and Objections to Definitions
 11 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 12 irrelevant and not reasonably calculated to lead to the discovery of admissible
 13 evidence. Plaintiffs object to this Request as vague, incomprehensible and overly
 14 burdensome to the extent it requires Plaintiffs to ascertain putative class members
 15 in this Action. Plaintiffs further object to this Request on the grounds that it seeks
 16 documents protected from discovery by the attorney work product doctrine and/or
 17 attorney-client privilege.

18 **REQUEST FOR PRODUCTION NO. 39:**

19 All DOCUMENTS, including but not limited to, notes, minutes, and/or
 20 agendas, from January 1, 2005 to the present that refer or relate to any meeting
 21 concerning NEW.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions
 24 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 25 and not reasonably calculated to lead to the discovery of admissible evidence.
 26 Plaintiffs further object to this Request as burdensome to the extent it calls for
 27 documents not within Plaintiffs' possession, custody or control.

1 Subject to and without waiving any of the general and specific objections,
2 Plaintiffs will produce relevant non-privileged documents, if any, in their
3 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to
4 this Request.

5 **REQUEST FOR PRODUCTION NO. 40:**

6 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
7 YOUR alleged damages and/or losses claimed in this ACTION.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions
10 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
11 and not reasonably calculated to lead to the discovery of admissible evidence, as to
12 time period and scope. Plaintiffs object to this Request to the extent it calls for
13 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to
14 the Request to the extent it seeks production of documents protected from
15 disclosure by the attorney-client privilege, work product doctrine, or any other
16 applicable privilege or protection. Plaintiffs further object to the Request to the
17 extent it prematurely calls for documents or testimony that is properly the subject
18 of expert testimony or an expert report; such information will be provided in
19 accordance with Rule 26(a)(2) of the Federal Rules. Plaintiffs further object to this
20 Request to the extent it is duplicative of document requests made by other
21 Defendants, was propounded for the purpose of harassing Plaintiffs, and imposes
22 cumulative burden on Plaintiffs.

23 Subject to and without waving any of the general and specific objections,
24 Plaintiffs will produce relevant non-privileged documents from May 5, 2005 to
25 March 13, 2007 concerning their transactions in NEW sufficient for KPMG to
26 ascertain Plaintiffs' damages and/or losses.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS, including but not limited to, COMMUNICATIONS, that refer or relate to NEW's stock price decline from February 7, 2007 through March 13, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as vague and ambiguous. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as to time period and scope. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Plaintiffs further object to the Request to the extent it prematurely calls for documents or testimony that is properly the subject of expert testimony or an expert report.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that refer or relate to any news article, analyst report, press release, and/or SEC filing concerning NEW.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome to the extent it calls for documents

1 not within Plaintiffs' possession, custody or control. Plaintiffs object to the
 2 Request to the extent it seeks production of documents protected from disclosure
 3 by the attorney-client privilege, work product doctrine, or any other applicable
 4 privilege or protection.

5 Subject to and without waiving any of the general and specific objections,
 6 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 7 their possession, custody or control from May 5, 2005 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 43:**

9 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 10 from January 1, 2005 to the present that refer or relate to NEW's 2005 financial
 11 statements.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions
 14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 15 and not reasonably calculated to lead to the discovery of admissible evidence.
 16 Plaintiffs further object to this Request as burdensome to the extent it calls for
 17 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to
 18 the Request to the extent it seeks production of documents protected from
 19 disclosure by the attorney-client privilege, work product doctrine, or any other
 20 applicable privilege or protection.

21 Subject to and without waiving any of the general and specific objections,
 22 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 23 their possession, custody or control from May 5, 2005 to March 13, 2007.

24 **REQUEST FOR PRODUCTION NO. 44:**

25 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 26 from January 1, 2005 to the present that refer or relate to any alleged misstatement
 27 in NEW's 2005 financial statements.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 and not reasonably calculated to lead to the discovery of admissible evidence, as to
 5 time period and scope. Plaintiffs object to this Request to the extent it calls for
 6 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to
 7 the Request to the extent it seeks production of documents protected from
 8 disclosure by the attorney-client privilege, work product doctrine, or any other
 9 applicable privilege or protection.

10 Subject to and without waiving any of the general and specific objections,
 11 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 12 their possession, custody or control from May 5, 2005 to March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 45:**

14 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 15 from January 1, 2005 to the present that refer or relate to NEW's ANNOUNCED
 16 RESTATEMENT.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

18 Plaintiffs incorporate their General Objections and Objections to Definitions
 19 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 20 and not reasonably calculated to lead to the discovery of admissible evidence.
 21 Plaintiffs object to this Request as burdensome to the extent it calls for documents
 22 not within Plaintiffs' possession, custody or control. Plaintiffs object to the
 23 Request to the extent it seeks production of documents protected from disclosure
 24 by the attorney-client privilege, work product doctrine, or any other applicable
 25 privilege or protection.

26 Subject to and without waiving any of the general and specific objections,
 27 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 28 their possession, custody or control from May 5, 2005 to March 13, 2007.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that refer or relate to KPMG's audit of NEW's 2005 financial statements and/or its internal control over financial reporting.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control or to which KPMG has equal or superior access. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

REQUEST FOR PRODUCTION NO. 47:

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that refer or relate to any service and/or services KPMG provided to NEW.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control or to which KPMG has equal or superior access. Plaintiffs object to the Request to the extent it seeks production of

1 documents protected from disclosure by the attorney-client privilege, work product
 2 doctrine, or any other applicable privilege or protection.

3 Subject to and without waiving any of the general and specific objections,
 4 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 5 their possession, custody or control from May 5, 2005 to March 13, 2007.

6 **REQUEST FOR PRODUCTION NO. 48:**

7 All DOCUMENTS from January 1, 2005 to the present from KPMG,
 8 including but not limited to, DOCUMENTS from any current partner, former
 9 partner, current employee, and/or former employee of KPMG that refer or relate to
 10 NEW.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions
 13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 14 and not reasonably calculated to lead to the discovery of admissible evidence.
 15 Plaintiffs object to this Request to the extent it calls for documents not within
 16 Plaintiffs' possession, custody or control or to which KPMG has equal or superior
 17 access. Plaintiffs object to the Request to the extent it seeks production of
 18 documents protected from disclosure by the attorney-client privilege, work product
 19 doctrine, or any other applicable privilege or protection.

20 Subject to and without waiving any of the general and specific objections,
 21 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 22 their possession, custody or control from May 5, 2005 to March 13, 2007.

23 **REQUEST FOR PRODUCTION NO. 49:**

24 All COMMUNICATIONS from January 1, 2005 to the present with KPMG,
 25 including but not limited to, COMMUNICATIONS with any current partner,
 26 former partner, current employee, and/or former employee of KPMG that refer or
 27 relate to NEW.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 and not reasonably calculated to lead to the discovery of admissible evidence.
 5 Plaintiffs object to this Request to the extent it calls for documents not within
 6 Plaintiffs' possession, custody or control or to which KPMG has equal or superior
 7 access. Plaintiffs object to the Request to the extent it seeks production of
 8 documents protected from disclosure by the attorney-client privilege, work product
 9 doctrine, or any other applicable privilege or protection.

10 Subject to and without waiving any of the general and specific objections,
 11 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 12 their possession, custody or control from May 5, 2005 to March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 50:**

14 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 15 from January 1, 2005 to the present that support YOUR claims and/or defenses in
 16 this ACTION.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

18 Plaintiffs incorporate their General Objections and Objections to Definitions
 19 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 20 and not reasonably calculated to lead to the discovery of admissible evidence.
 21 Plaintiffs object to this Request as improper contention discovery which is
 22 premature at this stage of the litigation to the extent that it calls for the disclosure
 23 of documents concerning Plaintiffs' factual and legal contentions in this action,
 24 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 25 object to this Request to the extent it seeks documents protected from disclosure by
 26 the attorney-client privilege, work product doctrine or any other applicable
 27 privilege or protection.

1 Subject to and without waiving any of the general and specific objections,
 2 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 3 their possession, custody or control from May 5, 2005 to March 13, 2007.

4 **REQUEST FOR PRODUCTION NO. 51:**

5 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 6 that refer or relate to YOUR contention in paragraph 538 of the COMPLAINT
 7 that, "KPMG's material misstatements in its publicly-issued 2005 audit opinions
 8 and KPMG's extensive role in the accounting misstatements and internal control
 9 weaknesses that were disclosed, beginning on February 7, 2007 through the end of
 10 the Class Period, further demonstrate both the artificial inflation KPMG's conduct
 11 caused in the price of New Century securities and that KPMG's conduct
 12 proximately caused foreseeable losses and damages to Plaintiffs and members of
 13 the Class."

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

15 Plaintiffs incorporate their General Objections and Objections to Definitions
 16 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 17 and not reasonably calculated to lead to the discovery of admissible evidence.
 18 Plaintiffs object to this Request as improper contention discovery which is
 19 premature at this stage of the litigation to the extent that it calls for the disclosure
 20 of documents concerning Plaintiffs' factual and legal contentions in this action,
 21 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 22 object to this Request to the extent it seeks documents protected from disclosure by
 23 the attorney-client privilege, work product doctrine or any other applicable
 24 privilege or protection.

25 **REQUEST FOR PRODUCTION NO. 52:**

26 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 27 that refer or relate to YOUR contention in paragraph 539 of the COMPLAINT
 28 that, "[t]he disclosures beginning on February 7, 2007 specifically concerned

1 accounting and internal control issues with which KPMG was extensively involved
 2 in its 2005 audits and areas in which KPMG specifically violated GAAS and the
 3 standards of the PCAOB in connection with its 2005 audits, including the
 4 repurchase reserves backlog and related internal control weaknesses and the
 5 required adjustments to Residual Interests as set forth above.”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

7 Plaintiffs incorporate their General Objections and Objections to Definitions
 8 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 9 and not reasonably calculated to lead to the discovery of admissible evidence.
 10 Plaintiffs object to this Request as improper contention discovery which is
 11 premature at this stage of the litigation to the extent that it calls for the disclosure
 12 of documents concerning Plaintiffs’ factual and legal contentions in this action,
 13 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 14 object to this Request to the extent it seeks documents protected from disclosure by
 15 the attorney-client privilege, work product doctrine or any other applicable
 16 privilege or protection.

17 **REQUEST FOR PRODUCTION NO. 53:**

18 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 19 that refer or relate to YOUR contention in paragraph 540 of the COMPLAINT that
 20 “[thereafter, the price of New Century securities continued to decline on March 2,
 21 2007, when additional disclosures were made, including, specifically, issues
 22 pertaining to the Company’s valuation of Residual Interests in 2006 ‘and prior
 23 periods.’ As alleged in this Second Amended Complaint, KPMG’s 2005 audits
 24 specifically violated GAAS and the standards of the PCAOB in connection with
 25 this audit of New Century’s Residual Interests and related internal controls and, as
 26 reported by the Examiner (at 329) and set forth in paragraph 480 above, KPMG’s
 27 February 2007 report to the Special Investigation Committee of the Audit
 28

1 Committee (the 'SIC') was '[t]he primary reason the SIC looked more closely at
 2 New Century's accounting for residual interests...in February 2007.'"

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions
 5 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 6 and not reasonably calculated to lead to the discovery of admissible evidence.
 7 Plaintiffs object to this Request as improper contention discovery which is
 8 premature at this stage of the litigation to the extent that it calls for the disclosure
 9 of documents concerning Plaintiffs' factual and legal contentions in this action,
 10 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 11 object to this Request to the extent it seeks documents protected from disclosure by
 12 the attorney-client privilege, work product doctrine or any other applicable
 13 privilege or protection.

14 **REQUEST FOR PRODUCTION NO. 54:**

15 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 16 that refer or relate to YOUR contention in paragraph 49 of the COMPLAINT that
 17 "[t]he members of the class are so numerous that joinder of all members is
 18 impracticable."

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

20 Plaintiffs incorporate their General Objections and Objections to Definitions
 21 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 22 and not reasonably calculated to lead to the discovery of admissible evidence.
 23 Plaintiffs object to this Request as improper contention discovery which is
 24 premature at this stage of the litigation to the extent that it calls for the disclosure
 25 of documents concerning Plaintiffs' factual and legal contentions in this action,
 26 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 27 object to this Request to the extent it seeks documents protected from disclosure by
 28

1 the attorney-client privilege, work product doctrine or any other applicable
 2 privilege or protection.

3 **REQUEST FOR PRODUCTION NO. 55:**

4 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 5 that refer or relate to YOUR contention in paragraph 50 of the COMPLAINT that
 6 "Plaintiffs' claims are typical of the claims of the members of the Class."

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions
 9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 10 and not reasonably calculated to lead to the discovery of admissible evidence.
 11 Plaintiffs object to this Request as improper contention discovery which is
 12 premature at this stage of the litigation to the extent that it calls for the disclosure
 13 of documents concerning Plaintiffs' factual and legal contentions in this action,
 14 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 15 object to this Request to the extent it seeks documents protected from disclosure by
 16 the attorney-client privilege, work product doctrine or any other applicable
 17 privilege or protection.

18 **REQUEST FOR PRODUCTION NO. 56:**

19 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 20 that refer or relate to YOUR contention in paragraph 51 of the COMPLAINT that
 21 "Plaintiffs' will fairly and adequately represent the interests of the members of the
 22 Class and have retained counsel competent and experienced in class and securities
 23 litigation."

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions
 26 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 27 and not reasonably calculated to lead to the discovery of admissible evidence.
 28 Plaintiffs object to this Request as improper contention discovery which is

1 premature at this stage of the litigation to the extent that it calls for the disclosure
 2 of documents concerning Plaintiffs' factual and legal contentions in this action,
 3 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 4 object to this Request to the extent it seeks documents protected from disclosure by
 5 the attorney-client privilege, work product doctrine or any other applicable
 6 privilege or protection.

7 **REQUEST FOR PRODUCTION NO. 57:**

8 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 9 that refer or relate to YOUR contention in paragraph 53 of the COMPLAINT that
 10 "[c]ommon questions of law and fact exist as to all members of the Class, and
 11 predominate over any questions affecting solely individual members of the Class."

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions
 14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 15 and not reasonably calculated to lead to the discovery of admissible evidence.
 16 Plaintiffs object to this Request as improper contention discovery which is
 17 premature at this stage of the litigation to the extent that it calls for the disclosure
 18 of documents concerning Plaintiffs' factual and legal contentions in this action,
 19 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs
 20 object to this Request to the extent it seeks documents protected from disclosure by
 21 the attorney-client privilege, work product doctrine or any other applicable
 22 privilege or protection.

23 **REQUEST FOR PRODUCTION NO. 58:**

24 All DOCUMENTS, including but not limited to, COMMUNICATIONS,
 25 that refer or relate to the Final Report of Michael J. Missal, dated February 29,
 26 2008.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 and not reasonably calculated to lead to the discovery of admissible evidence.
 5 Plaintiffs object to this Request as burdensome to the extent it calls for documents
 6 that are not within Plaintiffs' possession, custody or control or are publicly
 7 available. Plaintiffs object to this Request to the extent it seeks the production of
 8 documents that are protected from disclosure by the attorney-client privilege, work
 9 product doctrine or any other applicable privilege or protection.

10 Subject to and without waiving any of the general and specific objections,
 11 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 12 their possession, custody or control from May 5, 2005 to March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 59:**

14 All DOCUMENTS referred to in the COMPLAINT.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

16 Plaintiffs incorporate their General Objections and Objections to Definitions
 17 by reference. Plaintiffs object to this Request on the grounds that it is burdensome
 18 and oppressive to the extent it seeks the production of documents that are publicly
 19 available, not within Plaintiffs' possession, custody or control, or to which KPMG
 20 has equal or superior access. Plaintiffs further object to this Request to the extent
 21 it could be construed as calling for documents generated in anticipation of filing
 22 this case and/or the Complaint, and which are therefore protected from discovery
 23 by the attorney work product doctrine and/or attorney-client privilege.

24 Subject to and without waiving any of the general and specific objections,
 25 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 26 their possession, custody or control from May 5, 2005 to March 13, 2007.

REQUEST FOR PRODUCTION NO. 60:

All complaints, amended complaints, and/or transcripts of any testimony given by YOU in any deposition or trial for each and every civil lawsuit to which YOU have been a party within the past ten (10) years that involved allegations relating to securities transactions, alleged federal or state securities violations, class allegations, allegations concerning professional malpractice, corporate control, breach of fiduciary duty, fraud claims and/or shareholder derivative claims.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome and harassing to the extent it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation. Plaintiffs object to this Request to the extent it was propounded to embarrass, annoy and harass. Plaintiffs also object to this Request to the extent it seeks the production of documents that are publicly available, not within Plaintiffs' possession, custody or control, or protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.

REQUEST FOR PRODUCTION NO. 61:

All affidavits, certifications or other sworn statements filed by YOU in any court in the past ten (10) years that identify litigation to which YOU have been a party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 61:

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome and harassing to the

1 extent it seeks documents and information that are not relevant to the claims or
 2 defenses of any party in this litigation. Plaintiffs object to this Request to the
 3 extent it was propounded to embarrass, annoy and harass. Plaintiffs also object to
 4 this Request to the extent it seeks the production of documents that are publicly
 5 available, not within Plaintiffs' possession, custody or control, or protected from
 6 disclosure by the attorney-client privilege, work product doctrine or any other
 7 applicable privilege or protection.

8 **REQUEST FOR PRODUCTION NO. 62:**

9 All DOCUMENTS from YOUR counsel (including any agent or
 10 representative of counsel) received by YOU prior to engaging counsel in this
 11 ACTION.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions
 14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 15 harassing and not reasonably calculated to lead to the discovery of admissible
 16 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 17 extent it seeks documents and information that are not relevant to the claims or
 18 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 19 extent it seeks the production of documents that are publicly available, not within
 20 Plaintiffs' possession, custody or control, or protected from disclosure by the
 21 attorney-client privilege, work product doctrine or any other applicable privilege or
 22 protection.

23 **REQUEST FOR PRODUCTION NO. 63:**

24 All COMMUNICATIONS between YOU and YOUR counsel (including
 25 any agent or representative of counsel) prior to YOU retaining counsel in this
 26 ACTION.

27

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 harassing and not reasonably calculated to lead to the discovery of admissible
 5 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 6 extent it seeks documents and information that are not relevant to the claims or
 7 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 8 extent it seeks the production of documents that are not within Plaintiffs'
 9 possession, custody or control, or protected from disclosure by the attorney-client
 10 privilege, work product doctrine or any other applicable privilege or protection.

11 **REQUEST FOR PRODUCTION NO. 64:**

12 All agreements between or among YOU and YOUR counsel, including but
 13 not limited to all attorney engagement letters, fee agreements, and/or other
 14 DOCUMENTS that refer or relate to the payment of costs, disbursements, and/or
 15 attorney's fees incurred in this litigation.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

17 Plaintiffs incorporate their General Objections and Objections to Definitions
 18 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 19 harassing and not reasonably calculated to lead to the discovery of admissible
 20 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 21 extent it seeks documents and information that are not relevant to the claims or
 22 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 23 extent it seeks the production of documents that are not within Plaintiffs'
 24 possession, custody or control, or protected from disclosure by the attorney-client
 25 privilege, work product doctrine or any other applicable privilege or protection.

26 **REQUEST FOR PRODUCTION NO. 65:**

27 All DOCUMENTS that refer or relate to any relationship YOU have with
 28 YOUR counsel unrelated to this ACTION.

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

2 Plaintiffs incorporate their General Objections and Objections to Definitions
 3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 4 harassing and not reasonably calculated to lead to the discovery of admissible
 5 evidence. Plaintiffs further object to the term "relationship" as vague and
 6 ambiguous. Plaintiffs object to this Request as burdensome and harassing to the
 7 extent it seeks documents and information that are not relevant to the claims or
 8 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 9 extent it seeks the production of documents that are not within Plaintiffs'
 10 possession, custody or control, or protected from disclosure by the attorney-client
 11 privilege, work product doctrine or any other applicable privilege or protection.

12 REQUEST FOR PRODUCTION NO. 66:

13 All DOCUMENTS that refer or relate to any consideration, of any nature,
 14 that any named and/or lead Plaintiff or anyone else has received or been provided
 15 (directly or indirectly), been told it will or may receive or be provided (directly or
 16 indirectly), or been promised will be applied for in connection with serving as a
 17 named and/or lead Plaintiff in this ACTION.

18 RESPONSE TO REQUEST FOR PRODUCTION NO. 66:

19 Plaintiffs incorporate their General Objections and Objections to Definitions
 20 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 21 harassing and not reasonably calculated to lead to the discovery of admissible
 22 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 23 extent it seeks documents and information that are not relevant to the claims or
 24 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 25 extent it seeks the production of documents that are publicly available, not within
 26 Plaintiffs' possession, custody or control, or protected from disclosure by the
 27 attorney-client privilege, work product doctrine or any other applicable privilege or
 28 protection.

1 Subject to and without waiving any of the general and specific objections,
 2 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 3 their possession, custody or control from May 5, 2005 to March 13, 2007.

4 **REQUEST FOR PRODUCTION NO. 67:**

5 All DOCUMENTS from January 1, 2005 to the present from any
 6 confidential witness identified in the COMPLAINT.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions
 9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 10 harassing and not reasonably calculated to lead to the discovery of admissible
 11 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 12 extent it seeks documents and information that are not relevant to the claims or
 13 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 14 extent it seeks the production of documents that are not within Plaintiffs'
 15 possession, custody or control, or protected from disclosure by the attorney-client
 16 privilege, work product doctrine or any other applicable privilege or protection.

17 Subject to and without waiving any of the general and specific objections,
 18 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 19 their possession, custody or control from May 5, 2005 to March 13, 2007.

20 **REQUEST FOR PRODUCTION NO. 68:**

21 All DOCUMENTS from January 1, 2005 to the present that refer or relate to
 22 any confidential witness identified in the COMPLAINT.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

24 Plaintiffs incorporate their General Objections and Objections to Definitions
 25 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 26 harassing and not reasonably calculated to lead to the discovery of admissible
 27 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 28 extent it seeks documents and information that are not relevant to the claims or

1 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 2 extent it seeks the production of documents that are not within Plaintiffs'
 3 possession, custody or control, or protected from disclosure by the attorney-client
 4 privilege, work product doctrine or any other applicable privilege or protection.

5 Subject to and without waiving any of the general and specific objections,
 6 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 7 their possession, custody or control from May 5, 2005 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 69:**

9 All COMMUNICATIONS from January 1, 2005 to the present between
 10 YOU and any confidential witness identified in the COMPLAINT.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions
 13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,
 14 harassing and not reasonably calculated to lead to the discovery of admissible
 15 evidence. Plaintiffs object to this Request as burdensome and harassing to the
 16 extent it seeks documents and information that are not relevant to the claims or
 17 defenses of any party in this litigation. Plaintiffs also object to this Request to the
 18 extent it seeks the production of documents that are not within Plaintiffs'
 19 possession, custody or control, or protected from disclosure by the attorney-client
 20 privilege, work product doctrine or any other applicable privilege or protection.

21 Subject to and without waiving any of the general and specific objections,
 22 Plaintiffs will produce relevant non-privileged responsive documents, if any, in
 23 their possession, custody or control from May 5, 2005 to March 13, 2007.

24 Dated: April 29, 2009

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20 York State Teachers' Retirement System

21 IN RE NEW CENTURY

22 Case No.2:07-cv-00931-DDP (FMOx)
(Lead Case)

23 DECLARATION OF SERVICE

24 Judge: Hon. Dean D. Pregerson

1 I, Brandy M. Roberts, declare:

2 1. That I am and was, at all times herein mentioned, a citizen of the
 3 United States and a resident of the County of San Diego, over the age of 18 years,
 4 and not a party to or interested in the within action; that my business address is
 5 12481 High Bluff Drive, Suite 300, San Diego, California 92130.

6 2. That on April 29, 2009, I caused to be served the following
 7 documents:

8 • **PLAINTIFFS' RESPONSES AND OBJECTIONS TO**
 9 **DEFENDANT KPMG LLP'S FIRST SET OF REQUESTS FOR**
PRODUCTION OF DOCUMENTS

10 addressed as follows:

11 SEE ATTACHED SERVICE LIST

12 **(BY U.S. MAIL)** I am personally and readily familiar with the
 13 business practice of Bernstein Litowitz Berger & Grossmann LLP for
 14 collecting and processing of correspondence for mailing with the
 15 United States Postal Service, and I caused such envelope(s) with
 16 postage thereon fully prepaid to be placed in the United States Postal
 17 Service at San Diego, California.

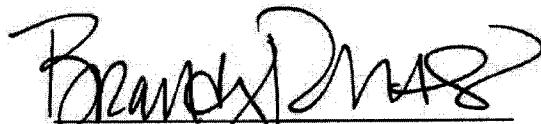
18 **(BY OVERNIGHT MAIL)** I am personally and readily familiar with
 19 the business practice of Bernstein Litowitz Berger & Grossmann LLP
 20 for collection and processing of correspondence for overnight
 21 delivery, and I caused such document(s) described herein to be
 22 deposited for delivery to a facility regularly maintained by Federal
 23 Express for overnight delivery.

24 **(BY FACSIMILE)** I am personally and readily familiar with the
 25 business practice of Bernstein Litowitz Berger & Grossmann LLP for
 26 collection and processing of document(s) to be transmitted by
 27 facsimile and I caused such document(s) on this date to be transmitted
 28 by facsimile to the offices of addressee(s) at the numbers listed below.

29 **(BY ELECTRONIC MAIL)** I am personally and readily familiar
 30 with the business practice of Bernstein Litowitz Berger & Grossmann
 31 LLP for the collection and processing of document(s) to be
 32 transmitted electronically in Portable Document Format (PDF), and I
 33 caused such document(s) on this date to be transmitted via electronic
 34 mail, by agreement among the parties pursuant to F.R.C.P. 5(b)(2)(F),
 35 to the email addresses of counsel for the parties as listed below.

36 **(FEDERAL)** I declare that I am employed in the office of a member
 37 of the bar of this Court at whose direction the service was made.

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct. Executed this 29th day of April, 2009 at San
3 Diego, California.

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6

Brandy M. Roberts

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